

CITY OF CANAL FULTON

November 18, 2003

REGULAR COUNCIL MEETING:

Mayor Shawn Kenney called the November 18, 2003 Council Meeting to order at 7:30 p.m. in City Hall Council Chambers.

PLEDGE OF ALLEGIANCE:

CALLING OF THE ROLL: Present: Bill Dane, Nellie Cihon, Diane Downing, Linda Zahirsky, Mike Mouse, Mayor Shawn Kenney. Robert Szanto was absent.

Mrs. Zahirsky made a motion to excuse Robert Szanto. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

OTHERS PRESENT: Marge Loretto, City Manager; Dale Kincaid, Law Director; Chief Bob Hill, Fire Department; Chief Mike McNeely, Police Department, Michael Rodino, Finance Director; Director; Joan Porter, The Repository; Rochelle Rossi, Victor Colaianni, Bret Stephan, Virgil Bukuts, Bob Schaeffer, Donna Lemmon, John Hatfield, all residents.

ADOPTING/CORRECTING OF MINUTES:

The Mayor asked for approval of the minutes of the November 3, 2003 regular Council meeting. Mrs. Cihon made a motion to approve the minutes of November 3, 2003. Mr. Dane seconded the motion.

Roll: Yes – ALL.

SPECIAL RECOGNITIONS:

None.

CITIZENS COMMENTS ON AGENDA MATTERS:

Mr. Hatfield commented on the agreement to extend water to the Northwest Schools. He asked what will happen to people who wish to hook onto that line from here to there. The Mayor said they will be charged like any non-resident customer of the City, which is 250% of the going rate and the appropriate tap in fees.

Mr. Hatfield asked who will own the line. The Mayor said the City will own it.

REPORTS OF ADMINISTRATIVE OFFICERS:

Senior Citizens.

No Report.

Community Service Coordinator.

Written Report.

Fire Chief.

Chief Hill said he was with his firefighters at a mandatory training session and could not be at the last Council meeting.

He said they had to put quite a bit of money in #8. He said the cam sensor went out and it cost approximately \$1,400 - \$1,500.00. He said Findlay fire came down and did the yearly maintenance on both pumpers.

The Mayor said he has noticed that trains coming through town recently are much longer than normal and has backed up traffic. He asked if that has affected the City's squads. Chief Hill said he hasn't heard anything on it.

Mr. Mouse asked if there was a time limit trains are allowed to sit on the tracks. He said he thought it was ten minutes.

Police Chief.

Chief McNeely stated that the man who was operating the meth amphetamine lab on Dan and Reed was sentenced to a year in prison last week.

Engineer/Streets/Public Utilities.

No Report.

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Director of Finance.

Mr. Rodino passed out the October end-of-month reports. Mrs. Zahirsky made a motion to acknowledge receipt of the reports. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

Mayor's Report.

The Mayor said he would like to change the December 2nd meeting location because they will be honoring the Seniors of the Northwest Football Team on their accomplishments during the 2003 season. He said the parents will be invited, so they will need more room. He asked for a motion to hold the meeting at the Northwest Schools at Stinson Activity Center.

Mrs. Cihon made a motion to change the December 2, 2003 Council meeting from City Hall to Stinson Activity Center at 7:30 P.M. Mr. Dane seconded the motion. Roll: Yes – ALL.

The Mayor said there are board and commission members whose terms expire on December 31, 2003. He said he consulted with the Law Director and was told it is the current Mayor's job to make sure people are in place as of January 1, 2004.

He said all of his recommendations are people who currently serve and have agreed to serve again.

The Mayor recommended the re-appointment of John Workman to the Historic Preservation and Planning Commissions. He said Mr. Workman has been a lifelong resident of Canal Fulton and is very knowledgeable with the City's zoning code.

Mrs. Cihon made a motion to accept the Mayor's recommendation to appoint John Workman to the Historic Preservation and Planning Commissions. Mr. Dane seconded the motion.

Mr. Mouse said he thought Mr. Workman is a good guy, but he wants to wait for the new mayor to make his own choices.

The Mayor indicated for the record that he sent a letter of congratulations to Mayor-Elect Grogan and indicated to him that he is willing to meet with him about the transition. He said he has not yet heard from him.

Roll: Yes – 4. Mr. Mouse voted No.

The Mayor then recommended Fred Fleming to be re-appointed to the Parks & Recreation Board. The Mayor said Mr. Fleming is the backbone of the Board.

Mrs. Zahirsky made a motion to accept the Mayor's recommendation to appoint Fred Fleming to the Parks & Recreation Board. Mrs. Cihon seconded the motion. Roll: Yes – 4. Mr. Mouse voted No.

The Mayor then recommended Dennis Browne to be re-appointed to the Historic Preservation Commission. Mrs. Cihon made a motion to accept the Mayor's recommendation to appoint Dennis Browne to the Historic Preservation Commission. Mr. Dane seconded the motion. Roll: Yes – 4. Mr. Mouse voted No.

The Mayor said there are two members of the Senior Citizens Commission whose terms are expiring, Betty Stephan and Wilma Hardgrove. He said they have been on that Commission for years and have put in hundreds of hours of volunteer service. He said he is recommending Betty Stephan and Wilma Hardgrove to be re-appointed to the Senior Citizens Commission.

Mr. Dane made a motion to accept the Mayor's recommendation to appoint Betty Stephan and Wilma Hardgrove to the Senior Citizens Commission. Mrs. Zahirsky seconded the motion. Roll: Yes – 4. Mr. Mouse voted No.

The Mayor said he has received numerous complaints regarding the trees that were cut down by Mr. Ken Roberts who owns the Warehouse On the Canal. He said there were also complaints about his new awning that is already up without approval by the Historic Preservation Commission. He said someone is investigating the tree cutting and he does not have all the information yet. The Mayor said Mr. Roberts did meet with the Street Superintendent. Two of the trees were dead and another was on its way. The Mayor said the proper procedure is that if the City has dead or decaying trees in the tree lawn or other City property, a request can be made that they be removed. Usually the property owner does it at his own expense unless it constitutes a clear emergency.

The Mayor said in this case the Street Department indicated that they would like to remove the trees, but they did not have time. He said Mr. Roberts asked if he could remove them himself and was apparently granted permission. The Mayor said, however, that this is not the proper procedure according to City Ordinance. He said the Zoning Inspector has to declare that the trees are dead.

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Mr. Mouse asked who gave permission. The Mayor said since Dennis Mayberry, Street Superintendent, did not have time, Mr. Szanto gave permission for Mr. Roberts to have the trees removed.

Mrs. Loretto also said that Johnson Belford, Zoning Inspector, gave a verbal permission.

The Mayor said he is going to recommend to the Historic and Planning Commissions that justice be even and that Mr. Roberts be cited in court for violation of the Historic Preservation Commission's Ordinances. He said everyone needs to follow the rules.

Mr. Mouse said he agrees with much of what the Mayor is saying, but on what authority did Mr. Szanto give Mr. Roberts permission to cut down the trees.

The Mayor said he has not spoken to Mr. Szanto.

City Manager's Report.

Mrs. Loretto said she has handed out the budget information. She showed a sample of the new City employee ID cards.

Parks.

No Report.

Law Director.

Mr. Kincaid stated that the train rule is five minutes, but does not apply if the train is moving.

Mr. Kincaid also said he attended Judge Robert Horowitz's funeral today. He stated that Stark County has lost a very great public servant.

READING OF ORDINANCES:

THIRD READINGS:

No Third Readings.

SECOND READINGS:

Resolution 21-03: A Resolution Authorizing the City Manager to Enter Into a Contract With the Northwest Local School District for a Waterline Extension.

The Mayor asked if there is any reason why they can't suspend the three reading rules on this. Mr. Kincaid said no. The Mayor asked Council to consider suspending the rules on this Resolution.

Mr. Dane made a motion to suspend the rules on Resolution 21-03. Mrs. Cihon seconded the motion.

Mr. Mouse said he is voting against this and he will explain why. He said the School, who is really the taxpayers, will be paying a premium. He said one hand is going to tax the other hand. He said he has no problem sending water to the school, but he would have done it differently without the annexation clause and the premium being paid by the School. He said the School should have come forth. He said this is just a deal to try to get money.

Roll: Yes – 4. Mr. Mouse voted No.

Mr. Dane then made a motion to pass Resolution 21-03 under suspension. Mrs. Cihon seconded the motion. Roll: Yes – 4. Mr. Mouse voted No.

FIRST READINGS:

Ordinance 37-03: An Ordinance Amending Chapter 181 of the Canal Fulton Code (Income Tax) by Conforming it to Changes in Ohio State Statutes, and Declaring an Emergency.

Ordinance 38-03: An Ordinance Amending Ordinance 25-04 Enacted May 5, 1994, to Provide an Exception to the City's Policy Requiring Annexation before Connection to City Water Lines.

The Mayor explained that Roland Lindsay of Lindsay Concrete contacted him about obtaining City water. The purpose for water was not for his concrete business purposes, but for potable water for his employees. Mr. Lindsay, along with other property owners, would pay for the project and the 250% rate. He further agreed to donate to the City the sum of \$100,000.00 if they waive the annexation portion.

The Mayor said Mr. Kincaid had written that the money would go toward maintenance on the water treatment plant. The Mayor said this is going to be a donation by Mr. Lindsay and he wanted to give it to the department that needs the money most, which is the Parks Department.

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Mr. Kincaid said he needs to talk to the State Examiner's office on the matter.

Further discussion followed.

Resolution 22-03: A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor.

Ordinance 39-03: An Ordinance to Make Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, Ohio, during the fiscal year Ending December 31, 2004, and Declaring an Emergency.

Purchase Orders and Bills:

Purchase Order 3616 in the amount of \$3,561.60 to the Treasurer of the State of Ohio for water system license renewal.

Mr. Dane made a motion to approve P.O. #3616 in the amount of \$3,561.60. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

Purchase Order 3620 in the amount of \$8,150.00 to Donald Hicks for settlement of Buggy Alley.

Mrs. Zahirsky made a motion to approve P.O. #3620 in the amount of \$8,150.00 to Donald Hicks. Mrs. Downing seconded the motion. Roll: Yes – ALL.

Bills: \$138,536.40

Mrs. Zahirsky made a motion to acknowledge receipt of the list of bills in the amount of \$138,536.40. Mrs. Cihon seconded the motion. Roll: (Voice Vote) Yes – ALL.

NEW BUSINESS:

OLD BUSINESS:

OTHER BUSINESS:

CITIZENS COMMENTS:

Virgil Bukuts, owner of Styles Art Studio on Canal St. He said he is here to talk about the parking problem. He said he has customers who are ticketed for parking violations. He said they are driving people away from the downtown area. He said he would be glad to work with others on helping to solve this problem, which needs to be addressed.

Further discussion followed.

John Hatfield said when he was on Council he had requested that money be set aside to do a survey on this very subject. He said he has been providing parking off and on in his lot, but no one wants to pay. He said in regards to the water to Lindsay, he also worked on the water project on the principle of quadrants. He said the City shouldn't even be using the third quadrant. He said the water coming in from Lindsay should be used to expand the water plant.

Victor Colaanni asked if there was a stipulation on Mr. Lindsay's \$100,000 to offset the cost of putting the line in. The Mayor said he is paying for the line himself.

Mrs. Zahirsky said she would like to see that money stay in the water department.

REPORT OF COUNCIL PRESIDENT:

REPORT OF STANDING COMMITTEES:

The meeting was adjourned.

Sharon Reiter, Clerk of Council

Shawn Kenney, Mayor